

REMARKS

Independent Claim 12 has been amended. Claims 13 and 15-16 and 18-20 have been canceled. At least a portion of the limitations of dependent claims 13 and 15-16 have been incorporated into independent Claim 12. Support for the amendments to independent Claim 12 can further be found, for example, in the Substitute Specification as originally filed at page 9, paragraph [0042], lines 8-12. Claim 17 has also been amended to address the 35 U.S.C. 112 rejection of the claim. Claims 12, 17, and 22 are now pending in the present application. Applicant respectfully requests allowance of the present application in view of the foregoing amendments and the following remarks.

A. Election/Restrictions

The Examiner requires restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 12, 13, 15-17, and 22, drawn to a turbo-machine, classified in class 415, subclass 115.
- II. Claims 18-20, drawn to a method of cooling a rotor of a turbo-machine and a method of heating a rotor of a turbo-machine, classified in class 60, subclass 226.1.

As noted, by the Examiner, Applicant's representative, John P. Musone, made a provisional election without traverse to prosecute the invention of Group I, claims 12, 13, 15-17, and 22 on 8/8/08. Applicant hereby confirms the election of Group I in this paper. Applicants have also canceled claims 18-20 herein.

B. Specification

The Examiner objected to the Abstract because it contained the legal phraseology "means." The Abstract has been amended accordingly above to remove the term.

C. 35 U.S.C. 112 rejections

Claims 13, 17, and 22 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has deleted claim 13, thereby rendering the rejection of claim 13 moot. To overcome the rejections of claims 17 and 22, Applicant has amended dependent claim 17 to recite "the feed passage" and amended independent Claim 12 to provide antecedent basis for the term "the rotor shaft" in dependent claim 22.

D. Prior Art Rejections

Claims 12, 15, and 17 were rejected under 35 U.S.C. §102(a) as being anticipated by Care et al. (U.S. Patent No. 6,485,255). Claims 12, 15, and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Anderson et al. (U.S. Patent No. 4,184,797). Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. (U.S. Patent No. 4,184,797) in view of Kumata et al. (U.S. Patent No. 4,967,552). Claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over Care et al. (U.S. Patent No. 6,385,255) in view of Pineo et al. (U.S. Patent No. 4,815,928).

Independent Claim 12 has been amended to recite:

A turbo-machine, comprising:

a rotor rotatably mounted in a casing of the turbo-machine, the rotor comprising a rotor shaft and a plurality of moving-blade wheels arranged on the rotor shaft, wherein the plurality of moving-blade wheels comprise a plurality of moving blades arranged thereon;

a feed passage arranged in the rotor for providing a fluid; and

a plurality of discharge passages arranged in the rotor for discharging the fluid; and

an actuating arrangement for influencing a flow of the fluid, the actuating arrangement in fluid connection with the plurality of discharge passages via gaps formed between the plurality of moving-blade wheels and elements projecting axially through the rotor shaft of the rotor;

wherein the plurality of discharge passages open into a flow passage between the plurality of moving-blade wheels arranged on the rotor shaft to discharge the fluid from the rotor;

wherein each of the plurality of discharge passages includes a throttle element for controlling an amount of fluid distributed into a respective one of the plurality of discharge passages;

wherein a feeding opening of the feed passage is radially further on the inside than an outlet opening of the discharge passage; and

wherein at least a portion of the plurality of throttle elements are configured to provide a decreased amount of fluid into a respective one of the plurality of discharge passages with increased axial distance from the actuating arrangement relative to an upstream throttle element.

Applicant has added at least the above-italicized limitation by the amendments to Claim 12 set forth herein. As set forth at page 9, paragraph [0042], lines 8-12 of the Substitute Specification: "In the turbine, less cooling air [via throttle elements] is admitted to the moving-blade wheels 7 which are further away from the actuating element than to the moving-blade wheels which are closer to the actuating element. Thus, the rotor disks which are close to the combustion chamber and are subjected to high thermal loading during the gas turbine operation

are preferably cooled during the rotary operation.” Applicant submits at least the added limitation that “at least a portion of the plurality of throttle elements are configured to provide a decreased amount of fluid into a respective one of the plurality of discharge passages with increased axial distance from the actuating arrangement relative to an upstream throttle element” places independent Claim 12 and its dependent claims 17 and 22 in condition for allowance. An early indication of the same is solicited.

E. Conclusion

Applicant respectfully requests reconsideration and allowance of the present application in view of the foregoing arguments. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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